in the Court of the Registrar or in the Village Courts. He can practise in all courts subordinate to the District Court. The village court cannot be said to be subordinate to the District Court. An amendment is necessary.

Mr. V. K. Bhaskara Menon *(Cranganur)* : The able argument of the Hon'ble Member for Vadakkancheri was that Advocates of the High Court can appear in these courts. He unfortunately forgets that village courts happen to be not subordinate to the High Court.

Mr. K. Narayana Menon *(Mulakunnathukavu)* : I am only trying to explain as best as I can and also to make some additional suggestions. I have tried my level best to answer the various points raised by the Hon'ble Members who have been good enough to give suggestions for the enlightenment and I think there is no more necessity to do anything further except to request that the Government may be pleased to give effect to this Bill with all expeditiousness possible and to pass it into law.

Mr. T. K. Nayar *(Minister for Rural Development)* : I am grateful to the Hon'ble Members of this House for extending their support to the principles of this Bill. I am sure this is not the proper time to go into the details of the provisions of the Bill. Hence I am not attempting those matters. I can assure this House that the weighty suggestions placed by the Hon'ble Members will receive the earnest consideration of the Government and that at the final stage suitable amendments will be made to make the Bill as excellent as possible. I once again request this House to give their whole hearted support to this motion.

Motion put and carried

Secretary to the Council: The title of the Bill is "The Cochin Village Courts Bill".

Mr. T. K. Nayar *(Minister for Rural Development)* : I request that the Hon'ble President may be pleased to suspend Standing Order 32.

Mr. President: Standing order suspended.

Mr. T. K. Nayar *(Minister for Rural Development)* : I move that the Bill may be taken into consideration.

Mr. M. Sivarama Menon *(Advocate-General)* : I second it.

Motion put and carried

Mr. T. K. Nayar *(Minister for Rural Development)*: There are some drafting amendments to be considered. I request that the Bill may be taken up for consideration on Wednesday.

Mr. M. Sivarama Menon *(Advocate-General)* : I second it.

Motion put and carried

Mr. President: We shall pass on to the next item.

The Cochin Registration of Literary, Scientific and charitable Societies' Act (Amendment) Bill *(cont.)*

***Mr. A. V. Moothedan** *(Chalakkudi)* : TheBill now under consideration is a far reaching measure. This amendment is proposed for Associations which are in existence and which are going to be consitituted in future. These have to be compulsorily registered. Otherwise every member of the Society will be fined Rs. 10 a day for every day that offence is recurring. I can understand Government having some power of interference and control over societies which are receiving grants from the Government. But we poor people may join together and form societies. Why do you want to interfere. We do not collect public subscription. We form a trust and our own money we are spending every month. Why should the Government interfere. If the Government are giving no grant for any society then Government should have naturally some control as for example the Cheruthuruthy Samajam. On that ground you should not make such drastic legislation. If the suggestion of the Government is accepted, State Congress, Cochin Congress, all these should be registered. Our Minister will be prosecuted if the Congress is not registered. Similarly the progressive party also. This charity is a very wide term. The leader of the Cochin Congress is doing charitable work. The Nayar Samajam can be included as one such association. So also the S. P. C. A. All these have to be registered compulsorily. Such a provision is not necessary.

* Speech not corrected by the Hon'ble Member.

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There is a feeling in this House that this Bill is not wanted and that it may be dropped. I am just saying that so that the Government may consider. We have only five minutes. There is a great feeling against this Bill. Why should Government insist when public opinion is not with them in this matter. Everybody who has got anything to do with associations are agreed that they do not want it. There may be a few individuals who want it but the majority feeling is against the measure. The Ezhuvas do not want it. The Jews do not want it. The Christian Churches do not want it; so also Muhammadan churches.

Rama Varmha Tampuran *(Secretary to Government)*: Unfortunately the position is this. This House itself has accepted the principles of this Bill. When the Bill was introduced not one dissentient voice was heard.

Mr. K. Ayyappan *(Ezhuvas-Kanayannur)*: I opposed at the earliest stage.

Rama Varmha Tampuran *(Secretary to Government)*: Look at the proceedings of this Council. As a matter of fact when more members wanted to speak, the House was definitely of opinion that the Bill is acceptable and that it may be placed before the Select Committee. That was the opinion that was expressed in this House. Then the Bill went into the Select Committee. We took prominent members of this House and every one of them has fully endorsed the amendment that the Government has brought forward. Government cannot be blamed to have gone against the wishes of this House. The Bill was introduced. Without a dissentient voice it was passed and the Bill was referred to a Select Committee. In the Select Committee evidence was taken and the non official members were expressly for bringing in this amendment Bill. After all, what is this amendment Bill? It is only to see that funds collected from the public are utilised in the best manner possible. What are the powers? To call for accounts and to examine accounts. Even now courts have got power to inspect if public funds are misused. If this argument is going to be carried to its logical conclusion, then every kind of public fund can be allowed to be utilised in the way in which the administrators wish to use it. Why should courts be allowed to interfere? A Bill may be brought here to say that the Courts need not question. Trust Funds may be taken out of purview of all law altogether. Why should there be any restriction on any public fund. It is not simply that A has to pay B some money. It gives some sort of obligation to the Government to see that the fund is properly utilised. Of course Hon'ble Members might ask whether Government should go to the extent they have now gone. I have no objection to consider any reasonable amendment in that way. To say that the very principle is vexatious and that the Bill has been introduced in the teeth of opposition is simply stating things against facts recorded in the proceedings of this House. I must emphatically say that the Government did not bring this Bill against the wishes of this House. It was referred to a Select Committe and the non official members of the Select Committee have completely endorsed the amendment Bill. In deference to the wishes that there should be an enabling provision for the Government to exempt any class of society I have tabled an amendment in which Government are taking an extra power by which they can exempt any class of society from the operation of this Bill. Therefore this has been done particularly in deference to the wishes of the House. It cannot be said that the opinion of this House has been flouted. Therefore we propose to move this Bill.

The House adjourned for lunch at 1 p.m. and reassembled at 2-30 p.m. with Rao Sahib K. Ayyappan, Deputy President in the Chair.

Mr. C. V. Iyyu *(Kunnamkulam)*: Sir, I support the motion of the Government for consideration of this Bill.

സർ, ഇങ്ങിനെ ഒരു നിയമം വളരെ അത്യാവശ്യമായിട്ടുള്ളതാണു്. നമ്മുടെ രാജ്യത്തെ ഈവക സംഘങ്ങളുടെ പ്രവർത്തനങ്ങളിൽ ധാരാളം "കട്ടതിനികൾ" കടന്നുകൂടീട്ടുണ്ടെന്നു സങ്കടത്തോടെ പറയാതെ നിവൃത്തിയില്ല. ഏതുസമുദായത്തിന്റെ മുതലായാലും സമുദായത്തിലെ ചില വ്യക്തികൾ മാത്രം "കട്ടതിന്നുന്നു", സമുദായാഭിവൃദ്ധിക്കു വേണ്ടിയാണെന്നുപറഞ്ഞു്, സമുദായസ്വത്തു ചിലർ "കട്ടതിന്നു"വാനിടയാകുന്നതു് നിയന്ത്രിക്കേണ്ടതു് ഇന്നത്തെയുടെ മുമതലയാണു്. ഈ ബില്ലിനെ തത്വത്തോട് ഈ സഭ ഹാർദ്ദമായി അനുകൂലിച്ചിട്ടുണ്ടു്. മൻപു് സിലക്ടു് കമ്മിറ്റിയിലെ മെമ്പർമാരായിരുന്നവരും, ഇപ്പോൾ രാഷ്ട്രീയകാരണത്തിന്നു് തടവുകാരായവരുമായ രണ്ടു മെമ്പർമാർ ഇതിനെ മുഴുവനും അനുകൂലിച്ചിട്ടുള്ളതാണു്. ഈ ബില്ലിനെ സംബന്ധിച്ചുള്ള ആലോചനകൾ നടന്നുകൊണ്ടിരുന്ന അ

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വസരങ്ങളിലെല്ലാം ഇവിടെ വന്നിട്ടുള്ള എല്ലാജാതിമതസ്ഥന്മാരും അനുകൂലാഭിപ്രായമാണ് പുറപ്പെടുവിച്ചിട്ടുള്ളതു്. അതുകൊണ്ടു് ഈ ബിൽ പാസ്സാക്കണമെന്നു് ഞാൻ ഈ സഭയോടു അഭ്യർത്ഥിക്കുന്നു.

Mr. M. Sivarama Menon *(Advocate-General)*: Sir, I was a member of the Select Committee which considered this Bill and I am bound to inform the Hon'ble Members of the House that there was unanimity of opinion among the non-official members who constituted the Committee that there should be more stringent provisions with regard to the control and supervision which ought to be exercised by Government over such societies because according to the view held by them the subscribers who are interested in the affairs of the society may not be able to set the law courts in motion for the purpose of bringing out the defalcations or other acts of mismanagement. But as a matter of compromise it was agreed that the provisions should never be irksome and such provisions were introduced in the Bill as will enable Government to interfere with societies for mismanagement. The mere fact that there is a control does not lead to the conclusion that the working of the societies will be interfered with by Government in season and out of season. Now that is the main feature of this amendment Bill. The Government can appoint an officer to inspect the affairs of the societies and such officer can call for the accounts, etc., only when there is a complaint. It is only after a preliminary enquiry that the question will be decided as to whether it is a matter which requires Government interference. Therefore I say that there need be no apprehension at all that the Government will be interfering unnecessarily.

One other point the Hon'ble Member for Chalakkudi raised is that he will have no objection to the Bill provided the operation of the Bill is limited to such societies only which receive Government grant or aid. Now upon that matter the only position I have to urge is this. It is only for safeguarding the interests of those persons who may not be able to take the necessary interest in the working of the societies that this amendment is introduced. This amendment is also to their interest.

Now Sir, in discussing the provisions of the Bill there is an entire change of attitude on the part of some of the Hon'ble Members of the House. As was pointed out by the Secretary to Government it will be quite clear from the printed proceedings of the council that the principle of the Bill was practically accepted, Mr. Salem alone opposing the measure and further when the President asked whether there are any other members to speak there were several voices which said "no", and the further motion for referring the Bill to the Select Committee was put and carried. Regard being had to the opinion evinced, the Select Committee had no reason to doubt that when these provisions relating to supervision were cast by them in such a way as not at all to be irksome there would be any further opposition to the Bill. Now it was pointed out by some hon'ble members that this amendment was necessitated on account of the attitude of a single association, *viz.*, Kerala Ayurveda Samajam at Cheruthuruthi and that it may not be proper to have any sort of supervision which will practically give a sort of death blow to their own self-governing instincts. Now in deference to that opinion certain amendments have been tabled by Government to the effect that they shall have power to exempt certain societies from the operation of the Bill.

If any application is received by Government from any society for exemption from the provisions of this Act, of course a preliminary investigation will be conducted to ascertain whether the affairs of the society are managed properly and if they are satisfied about the management then the exemption will be granted. The exemption so granted is also liable to cancellation if at any future date, if Government are of opinion that the working of the society is not conducted properly. Therefore this will serve as an eye-opener for those persons who are responsible for the management of societies that in cases they are not managed properly Government interference will be forthcoming. Hence this provision will be a sort of check on persons managing societies and as a result litigation can be avoided. Now as a matter of fact if there is mismanagement the persons interested in the affairs of the society have to apply for the sanction of the Government to institute a scheme suit. Before granting the necessary sanction to the party to institute a scheme suit an enquiry is conducted by the Revenue Department. Then the account books and other relevant papers are asked to be produced before the revenue authorities to see whether the sanction should or should not be given to file the scheme suit. If sanction is

accorded, then the matter has to go to the civil courts. If, on the other hand, these corrective provisions are there, I believe there may not be any great necessity for further scheme suits because the Government have got the power after enquiry to remedy the evils if any existing. This provision has been introduced so that the members responsible for the management of such societies may take care to see that things are done properly and this will help the harmonious working of such societies. Although the occasion for the introduction of this Bill was the Cheruthuruthi Ayurveda Samagam affair, the Government put it on totally different lines and if the House is now of opinion that this measure is not necessary this may be thrown out after discussion on the merits because anybody can change his opinion for sufficient reasons. There is nothing which stands in the way of Hon'ble Members changing their opinion for sufficient reasons but it must be after a discussion on merits. The Government introduced the Bill on account of certain reasons but if the House feels that such a provision is not necessary then it is for this House to decide the question. The Government as a matter of fact feel that there is necessity for this amendment. Of course the matter may be discussed on the merits and the House may express its opinion on the materials that this House is in possession of.

Mr. A. V. Moothedan *(Chalakkudi)*: Sir, I wish to move that under paragraph 73 of the Manual the Council do pass on to the next item in the Agenda.

Mr. A. Eachara Menon *(Chittur-Rural)*: I second it.

Mr. C. V. Iyyu *(Kunnamkulam)*: I oppose it. ബഹുമാനപ്പെട്ട മെമ്പർമാർ ഈ ബിൽ ഗുണദോഷനിരൂപണംചെയ്തു തള്ളിക്കളയുന്നതിനുപകരം അതു ഇവിടെവെച്ചു മരിപ്പിക്കുന്നതെന്നാണു് എനിക്കു പറയുവാനുള്ളതു്. അങ്ങിനെ ചെയ്യുന്നതു് ഈ സഭയുടെ ഭീരുത്വമാണു്. അതുകൊണ്ടു ഞാൻ ഇതിനെ എതിർക്കുന്നു.

Mr. A. V. Moothedan *(Chalakkudi)*: Sir, I object to the word "ഭീരുത്വം".

Mr. C. V. Iyyu *(Kunnamkulam)*: It is cowardice.

Mr. A. V. Moothedan *(Chalakkudi)*: No.

***Mr. K. M. Ibrahim** *(Cranganur)*: Without commiting myself one way or the other to the proposition in hand, I would like to say that there is a great constitutional issue involved in the motion of the Hon'ble Member for Chalakkudi. Now, Sir, here is a Bill the initial reading of which was accepted by the House and a Select Committee was entrusted with the work. The Bill is a Government Bill. The House has been consulted and the Select Committee consisted of non-officials and the Bill has been discussed threadbare and this comes in as such. At this stage to move a motion for passing over the Bill is rather unconstitutional according to me. This passing over provision has been specifically included in the Act to check some of the boring motions. There is absolutely no point in giving a summary death to responsible measures of this kind. It is quite unconstitutional and so I beg to submit that this motion be not pressed.

Deputy President: The provisions may be intended for obviating inconvenient situations also.

Mr. V. K. Bhaskara Menon *(Cranganur)*: The motion has not been seconded.

Deputy President: No seconding is necessary.

The motion for passing over the business was put to vote and lost.

The motion for taking into consideration was put to vote and carried

Clause 2 put and carried

Rama Varmha Tampuran *(Secretary to Government)*: Sir, I move that for clause 3 the following shall be substituted.—

"*3. In section 2 of the Act—*

(a) the following provisos shall be added after renumbering it as sub-section (1)—

* Speech not corrected by the Hon'ble Member.

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"Provided that associations having such number of members or a minimum starting fund as may be prescribed by Government shall be bound to register as aforesaid :

Provided further that Government may by notification in the Cochin Govrnment Gazette direct that the provisions contained in the foregoing proviso shall not apply or shall apply only with such modifications or subject to such conditions as may be specified in the said notification to or in relation to any individual association or any class or description of associations".

(b) The following shall be added as sub-section (2) namely.—

"(2) If an association bound to register under the proviso to sub-section (1) does not so register, such association and every member thereof who is knowingly and willfully in default shall be liable to a fine not exceeding ten rupees for every day during which the default continues."

Sir, the object of the amendment is to give power to Government to give exemption to certain classes of societies.

Mr. C. V. Iyyu *(Kunnamkulam)* : Sir, I oppose the amendment.

സർ, ഈവക ഭേദഗതികളെയാണ് ഈ സഭ എതുക്കേണ്ടതു്. ഇതു് ഗവണ്മെണ്ടിനു് അനാവശ്യമായിട്ടു് ചില സമുദായങ്ങളേയും, വ്യക്തികളേയും സഹായിക്കുന്നതിനു് സൌകര്യം ഉണ്ടാക്കത്തക്ക രുന്നാണു്. ഈ നിയമം ഇതേപടിതന്നെ പാസ്സാക്കുകയാണു് വേണ്ടതു്. ഇവിടെ പരിപൂർണ്ണ ഉത്തരവാദിതഭരണമാണു് വരുവാൻപോകുന്നതു്. അങ്ങിനെ വരുമ്പോൾ പാർട്ടി പോളിറ്റിക്സു് ഇൻഫീയർചെയ്തു് അധികാരസ്ഥാനത്തിരിക്കുന്ന മന്ത്രിമാർ ചില പ്രത്യേക ആളുകളുടെ അല്ലെങ്കിൽ സമുദായങ്ങളുടെ കാര്യത്തിൽ ചില പ്രത്യേകാനുകൂല്യങ്ങൾ ചെയ്യുവാനിടയാകും. ഉത്തരവാദിതഭരണം അടുത്തു നടപ്പാക്കുവാൻ ഇടയുള്ളതുനിമിത്തം ഇത്തരം ഭേദഗതികൾ തീരെ അനാശാസ്യമാണു്. അതുകൊണ്ടാണു് ഈ അമെണ്ടുമെണ്ടിനെ ഞാൻ ശക്തിയായി എതുക്കുന്നതു്.

***Mr. A. V. Moothedan** *(Chalakkudi)* : Sir, I oppose this amendment. According to this amendment every society now in Cochin or going to be constituted will have to be registered under the Act. Now I may submit to the House at the very outset that the House has not committed itself before to an amendment of the kind now before the House. On the very first reading of the Bill I made it very clear that there is no ground for Government interference in the working of these institutions. Now suppose ten persons form themselves into an association and contribute 2,000 rupees for charity. What is the meaning in Government interfering with such an association. I can understand governmental interference in cases where some grants are given but not otherwise. If such an association does not get itself registered every member is fined 10 rupees a day during which the default continues. I think it is very difficult and hard and such a provision was not before the House. The Secretary stated that the House has committed itself to this Bill but this House has not committed to any amendment of this kind. This is rather a new provision. Government wanted some sort of supervising power with regard to societies on account of the refusal of the Kerala Ayurveda Samajam to allow the Government to supervise them. Government brought in a Bill and the House said let it go before a Select Committee. The House has not committed itself to any provision like this. It is against public interests if such drastic provisions are made. Therefore I strongly oppose the provision compelling societies to get registered.

Now according to the present amendment, Government are given certain powers of exemption. I do not see what is the principle of giving exemptions.

Deputy President : The clause as amended is less drastic than the original section.

Mr. A. V. Moothedan *(Chalakkudi)* : I oppose clause 3 itself. This amendment also contemplates it. I am opposing clause 3 of the Bill. I do not want any compulsory registration. According to our present Act of 1088 we have no such compulsory legislation. Then again there is no definition of the word "association" in the Act. What all associations or societies are to be registered is not known. We can be penalised if we do not register. If you have defined what an association is we could have understood it better. This is a serious matter where people will be prosecuted. First of all you define what an association is. The house should not give a blank cheque for prosecuting people, because they do not register societies.

*Speech not corrected by the Hon'ble Member.

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*മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: കൊച്ചിരാജ്യത്തിലെ ഭരണഘടന, സാമുദായികമായും രാഷ്ട്രീയമായും അവശതകളനുഭവിച്ചുവരുന്ന സമുദായങ്ങളുടെ ഉന്നമനത്തിനുവേണ്ടി പ്രവർത്തിക്കുന്ന ഒരു സ്ഥിതിയിലല്ല ഇവിടെ കാണുന്നതു്. ഈ ദോഷത്തെ പരിഹരിക്കുന്നതിനു് ചില സമുദായങ്ങളും ചില ധർമ്മസ്ഥാപനങ്ങളും ഉണ്ടാക്കി അവരവരുടെ സമുദായത്തെ ഉദ്ധരിക്കുവാൻ പരിശ്രമിച്ചുവരുന്നതിനെ ഇല്ലായ്മചെയ്യുവാനുള്ള ഒരു ഉദ്ദേശമാണൊ ഗവർമ്മെണ്ടിനുള്ളതു് എന്നു് എനിക്കു ബലമായ സംശയമുണ്ടു്. ഈ നിയമസഭ തുടങ്ങിയ കാലം മുതൽ ഇവിടെ ബ്രാഹ്മണസമുദായത്തിലെ ഒരു മെമ്പറായിരുന്നിട്ടുള്ള ആളാണു് ഈ ബില്ലിൽനിന്നു് ബ്രാഹ്മണസമാജത്തെ ഒഴിവാക്കണമെന്നു് ഒരു ഭേദഗതി അയച്ചിരുന്നുവെങ്കിലും അദ്ദേഹത്തിന്റെ അഭാവത്താൽ അതു ഇവിടെ തള്ളിപ്പോവുകയാണുണ്ടായതു്.

Mr. C. V. Iyyu *(Kunnamkulam)*: I oppose the amendment of the Government. I want to have the original clause as modified by the Select Committee. Mr. Moothedan also was pressing for the original section.

Deputy President: Mr. Moothedan opposed the original clause as well as the amendment. He is against compulsory registration.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam)*: On a point of information' Sir, what is the issue in discussion.

Deputy President: The amendment before the House.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam)*: If it is so then Mr. Moothedan's interference is not directly relevant to the issue in hand.

Mr. A. V. Moothedan *(Chalakkudi)*: I shall read clause 3 as amended.—

"Provided that associations having such number of members or a minimum starting fund as may be prescribed by Government shall be bound to register as aforesaid....." I oppose that.

Mr. C. V. Iyyu *(Kunnamkulam)*: If it is so then we are both in the same boat.

Mr. A. V. Moothedan *(Chalakkudi)*: I do not want to be in your boat.

Deputy President: By this amendment, the Government want to exempt certain societies.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: He does not want that power to be given to the Government.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: പെറുതുരുത്തിയിൽ ഏതൊ ഒരു സമാജമുണ്ടായിരുന്നു. ആ സമാജത്തിന്റെ കുഴപ്പം തിക്കുവാൻ വേണ്ടി ഈ രാജ്യത്തുള്ള എല്ലാ സമാജങ്ങളുടേയും കുഴത്തുക്കണം എന്നു കരുതി ഗവർമ്മെണ്ടു് ഒരു ബിൽ ഇവിടെ കൊണ്ടുവന്നു. എന്നതന്നെയല്ലാ, ഗവർമ്മെണ്ടിന്റെ അധികാരശക്തി മുഴുവൻ ഇവിടെയുള്ള സമാജങ്ങളിൽ പെടുത്തണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടിയാണു് ഈ ഭേദഗതി കൊണ്ടുവന്നിട്ടുള്ളതു്. രാജ്യത്തുള്ള സാധുക്കൾക്കു് ഗവർമ്മെണ്ടു് വേണ്ടതായ ഗുണങ്ങളും ചെയ്യുവാൻ മുതിരുന്നില്ലെന്നതന്നെയല്ല, സാധുക്കളുടെ ഉന്നമനാർത്ഥം വല്ല ധർമ്മസ്ഥാപനങ്ങളും നടന്നുവരുന്നുണ്ടെങ്കിൽ അതിനെ തകർക്കണമെന്നുള്ള ഉദ്ദേശവും കൂടിയാണു് ഈ ഭേദഗതിയിലുള്ളതു്. അതുകൊണ്ടു് എന്റെ സ്വശക്തിയും ഉപയോഗിച്ചു് ഗവർമ്മെണ്ടു് കൊണ്ടുവന്നിട്ടുള്ള ഈ ഭേദഗതിയെ ഞാൻ എതിർക്കുന്നു.

***Mr. T. S. Ramachandra Ayyar** *(Chittur-Tattamangalam)*: Sir, I oppose the amendment tabled by Government. One can understand a legitimate difference of opinion about the necessity of a Bill or not. One can support or oppose a Bill. But when once the necessity for such a legislation is proved there is absolutely no meaning, there is absolutely no rational basis, for vesting such a power in the hands of Government I for one fail to understand the slightest rational basis in Government retaining such a power in its hands when this House has itself positively committed one way or the other about this Bill. Therefore I am constrained to oppose this amendment tabled by Government.

*Speech not corrected by the Hon'ble Member.

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Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Mr. President, Sir, it is one thing to say that Government want power to control associations. It is another thing to say that in such control the Government should have the further power to pick and choose between association and association, society and society and community and community for granting exemptions. It is very dangerous to leave, in the hands of the Government, such powers of picking and choosing and therefore I am constrained to oppose this amendment. Although I was not a member of this House at the time of the introduction of the Bill and the discussion that took place at that time, from what I have seen from the papers I find behind this amendment, the reactions of the Government to some suggestion thrown out at the ime of the discussion by some particular Hon'ble Member. This amendment is the result of an attempt at placating the feelings of some community or some section of the society at large. It is as I submitted before, very dangerous to allow Government to have such powers of exemption. If this amendment is allowed what is the position, Sir. Government gets general power under the amended Act to compel every society to register. That is the general power given. Under this poviso the Government for reason best known to them may exempt community A's or community B's societies from the operation of the Act. It is dangerous, certainly dangerous. If the Government want power to control societies let that power be there and let no exemption be given. After all what is there in the Government having power of the sort contempleted? Government does not get the right to interfere with societies that are being run well. It wants the power to interfere if need be and it therefore wants societies to be registered. That I believe is the scope of the amended Act and when that is the scope of the amended Act, this reservation of exemption should not be in the hands of the Government. Therefore, Sir, I am constrained to oppose the amendment tabled by Government.

Mr. A. B. Salem *(Mattancheri)*: Sir, I have been opposing this Bill from the very beginning. First—this Bill was started as a ministerial Bill and has now ended as a Government Bill. How it has changed its colour after the Minister was thrown out is quite surprising. Anyhow it is being sponsored by Government now. It was the Minister's Bill. The reserved half did not bring the Bill. The reserved half was not anxious for this Bill. The Minister is sitting there and and he is not introducing this. Properly speaking the Minister should have introduced it, as the man responsible for the rural development of the country. In towns such things cannot take place. This is only required for the rural parts. Its origin also was from the rural part *viz.*, Cheruthuruthi. There was a samajam in Cheruthuruthi in which the Government or the Minister wanted to put their hands.

Mr. M. Sivarama Menon *(Advocate-General)*: No. No.

Mr. A. B. Salem *(Mattancheri)*: Whatever it is we know the story. When that body frustrated the attempts of the Government, the Government brought in a Bill. That is its origin. It is very easy to say that the principle has been accepted by this House, the principle has been discussed and we have passed it by a majority. I agree to that. But in reality those members who have had to do anything with these associations were all opposed to a measure of this kind. Those who have nothing in their contemplation and those who do not care what happens supported the same. I would ask the Government what is the necessity for this. If you had any public opinion expressed outside this House showing the necessity for such kind of interference then I could have well understood it. Always legislation must come following the weight of public opinion and not lead opinion. I ask in all seriousness whether there are not sufficient provisions in our Civil Procedure Code to deal with cases of mismanagement of trust properties.

Mr. C. V. Iyyu *(Kunnamkulam)*: The Hon'ble Member is discussing the merits of the Bill and not the amendment in hand.

Mr. A. B. Salem *(Mattancheri)*: You do not require merits but you require only words.

If the amendment now moved is to be passed, Government will be subjected to all sorts of criticism, including communal ideas. This has already been brought to the notice of the House by one Hon'ble Member. When such is the feeling expressed in this House what will be the expression of the common people outside the Ho se who are less educated? I am not for giving any power to a Government which is not responsible. The object of this Bill is to get more and more power into the hands of the Government. I can very well understand a fully responsible government asking for such powers and councils giving them, because they can pull the Government down, if they go wrong. It is our duty to check this taking of powerinto the hands of Government.

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Mr. K. M. Ibrahim *(Cranganur)*: On this analogy you are against food control.

Mr. A. B. Salem *(Mattancheri)*: You neither got food nor control.

Mr. K. M. Ibrahim *(Cranganur)*: Then you are an anarchist.

Mr. A. B. Salem *(Mattancheri)*: You have been an anarchist from the top of your head to the bottom of your feet. According to me food control is a mistake that has been made in this country of India. It is not so in England. Here such a law is enacted open the doors of corruption. I do not want to create difficulties. Let them carry on. But do not think there is no criticism to be offered.

Mr. K. M. Ibrahim *(Cranganur)*: Blowing hot and cold.

Mr. A. B. Salem *(Mattancheri)*: Humanity itself is a mass of inconsistencies. We have to say one thing at one time and another thing at another time. We are never paid. Now you get some money from the Government. You want to support the Government. You are for giving power. By all means take power. I shall fight. For instance the Verumpattamdar's Bill, I opposed. When the House after accepting the principles and opposed the rules I supported Government amendments through thick and thin. I have a right to tell the Government all these things.

Deputy President: In parliamentary language, you and I seldom come so that the heat of the moment may be diverted to other directions. Generally the Chair is addressed.

Mr. K. M. Ibrahim *(Cranganur)*: I rise to a point of order. The Hon'ble Member made a specific charge that I am supporting the Government because I am getting some money. I am not getting a pie from the reserved half. This is a Bill of the reserved half. I know what to say but I control it.

Mr. A. B. Salem *(Mattancheri)*: We are going to trust the Government fully. What is the use of opposing the Government? To deal with recalcitrants you can trust them fully and give them full power to make the selection. Otherwise don't trust them. That is the point I want to make out. I ask Government not to accept this Bill. Government will be charged with all kinds of charges if you pass this Bill. Your motives will be questioned. Your intentions will be questioned. All kinds of charges will be levelled that Government want to encourage this society or that society. So many difficulties will come in the way of Government when you actually begin to administer. With these words I support the amendment.

Mr. M. Krishna Menon *(Trichur-North)*: Sir, I beg to support this amendment tabled by Government, for two reasons. Now as per section 2 of the original Act it was simply optional for any society to register itself under the Act. As the working of these societies was not satisfactory, Government thought that registration ought to be made compulsory.

Mr. T. A. Ramachandra Ayyar *(Nellayi)*: May I know the number of societies?

Mr. M. Krishna Menon *(Trichur-North)*: I am not in a position to give statistics. I can only explain the principle. Because Government thought that better control should be exercised on such associations, they now provide that registration should be made compulsory with the exception of certain associations which do not conform to the two conditions incorporated in the proviso, *viz.*, number of members and minimum starting fund. These are the two points taken into consideration by which the association would be registered. So the discretion on the part of the Government to register an association or not rests mainly on these two points mentioned in the proviso and adverted to above. To my mind there is no discretion apart from those two points, and in as much as the House has accepted the principle of compulsory registration, I am supporting the amendment as such.

Deputy President: If this amendment is accepted some associations may be exempted from registration. But if an association is not registered in all suits it will have to publish in Gazette the names of the managing committee. Now associatins are registered to avoid that difficulty. Therefore if certain associations are exempted from compulsory registration then they will have to forego that benefit.

Rama Varmha Tampuran *(Secretary to Government)*: That is so. But none of these provisions will be applicable to such societies.

Deputy President: If the society is not registered, at every time it has to publish the names of the managing committee in the Gazette.

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***Mr. K. M. Ibrahim** *(Cranganur)*: Sir, I support the amendment tabled. I may submit to the house that I almost stand committed to support a measure of this kind in having had the good fortune to have fathered the Muslim Charitable Endowment Bill which the House was pleased to pass in all the three stages and which has received the gracious assent of our beloved Maharaja. I have heard, Sir, times without number vociferous threats from the same corner which almost rebound like thunder in this house. The same gentleman threatened the Government and us when the Excess Profits Tax Act came up for discussion. He threatened that the merchants will go out of Cochin and that the whole State would go to dogs. But the Act is working smoothly and everybody is peaceful. Now in the same way all the threats of communal bitterness, communal, recourse etc., which has been repeated on the floor of this house are mere vain, substanceless, impetuous and meaningless threats which do not require the least consideration. With these observations I beg to support the motion.

Rama Varmha Tampuran *(Secretary to Government)*: The amendment relating to exemption is this: "Provided further that Government may by notification in the Cochin Government Gazette direct that the provisions contained in the foregoing proviso shall not apply or shall apply only with such modifications or subject to such conditions as may be specified in the said notification to or in relation to any individual association or any class or description of associations."

This amendment was in fact tabled by Government on account of the suggestion made by the House when the Bill was first taken up for second reading. All the other provisions of the Bill are as reported by the Select Committee. Unless registration is made compulsory the other provisions in the Act cannot be enforced. We should first of all know which all societies have been registered.

Mr. A. V. Moothedan *(Chalakkudi)*: Is it the view of the Hon'ble Secretary to Government that registration is a condition precedent for the application of supervision.

Rama Varmha Tampuran *(Secretary to Government)*: Yes, it is so.

Amendment put and lost

Rama Varmha Tampuran *(Secretary to Government)*: A poll, Sir.

Ayes	*Noes*
1. Messrs. A. B. Salem	1. Mr. K. J. Thomas
2. M. Krishna Menon	2. ,, A. V. Moothedan
3. K. M. Ibrahim	3. ,, V. K. Bhaskara Menon
4. V. K. Kutty	4. ,, Ephraim Ouseph
5. M. Sivarama Menon	5. ,, M. K. Devassy
6. A. Madhava Prabhu	6. ,, K. R. Ramakrishnan
7. M. M. Paul	7. ,, T. S. Ramachandra Ayyar
8. P. V. Raphael	8. ,, K. Kunjirama Menon
9. Parambi Lonappan	9. ,, C. K. Nayar
10. Rao Bahadur V. K. Aravindhaksha Menon	10. ,, C. V. Iyyu
11. Dr. T. Verghese	11. ,, P. Kumaran Ezhuthassan
12. Rao Sahib I. N. Menon	12. ,, K. S. Panicker
13. Rama Varmha Tampuran	13. ,, T. A. Ramachandra Ayya
14. Khan Sahib Y. Mohamad Roshan Sahib Bahadur	14. ,, K. R. Achyutan
	15. ,, B. M. Peter
15. Mr. S. Venkiteswaran	16. ,, K. T. Achyutan
16. ,, C. J. Mathew	17. ,, P. P. Devassy

Neutrals

1. Messrs. A. Eachara Menon	5. Messrs. C. N. Ittiravi Nambudiri
2. N. Govinda Pai	6. K. Ashtamoorthi Nambudiripad
3. C. K. S. Moni	7. Mr. A. T. Kunjipalu
4. K. Narayana Menon	

*Speech not corrected by the Hon'ble Member.

16 for ; 17 against and 7 neutrals.

Amendment put and lost

Clause 3 put and carried

Clauses 4 to 7 put and carried

Clause 1 put and carried

Title and preamble put and carried

Rama Varmha Tampuran *(Secretary to Government)* : Sir, I move that the Bill may be taken up and finally passed tomorrow.

Mr. M. Sivarama Menon *(Advocate-General)* : I second it.

Motion put and carried

NON-OFFICIAL BUSINESS
RESOLUTIONS

RESOLUTION No. 16—*(cont.)*
Adoption of Wardha Scheme in Schools

***Rao Sahib I. N. Menon** *(Director of Public Instruction)* : I was just in the middle of my argument about the introduction of the Wardha Scheme. I said that the question of introducing the Wardha Scheme will receive the attention of the Government and the question was dropped for the time being on account of the additional expenditure involved. The scheme became rather defunct or was rather dying of inanition. Later on the Director of Public Instruction submitted certain proposals for the reorganisation of education. The main idea underlying these proposals was to make effective teaching the most important feature in the future scheme of education. To attain this end special kind of training should be given to the teachers and specially qualified men should be entrusted. Thirdly it was realised that while the Wardha Scheme gave an exaggerating importance to handicrafts there was considerable truth in the insistence on practical training, not as a vocational training in itself, but as a vocational guidance to children who might enter into various centres after they leave schools. If the interest of the Government should mainly be centred on that kind of education to the masses, I mean the elementary schools, this is a proposal recommended before the Government and I have sufficient reasons to think that the Government will come to a decision before long. The scheme is waiting for the consideration of the education advisory committee which I understand is to meet on Saturday next so that the scheme brought by the Hon'ble Member for Nemmara is receiving the attention f the Government. Whether the scheme can be introduced enbloc or whether it should be introduced piece-meal, these are small questions which I am sure do not affect the real question in hand. Government are in general agreement with the general principle of this practical proposition. The scheme is now receiving their attention so that I don't think that Government requires to be reminded about the advantage either of the Wardha Scheme or the urgent necessity to give some sort of reorientation to the existing system of education.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)* : If I understood the Hon'ble Member for Education aright, the Government are in sympathy with the scheme and it is later on stated that the scheme is under the consideration of the Government and the Advisory body on Education will be considering it very soon and some conclusions will be arrived at before long. Can we know what exactly are the specific suggestions ?

Rao Sahib I. N. Menon *(Director of Public Instruction)* : In placing the proposals for reform I found that the Wardha proposals were shipwrecked because it was a scheme touching practically every side of education excepting adult education. Some years ago I made my recommendations about the introduction of the Wardha Scheme into the State. The whole thing was shipwrecked on the question of additional expenditure. So I thought it will be more practicable to suggest to the Government a series of reforms in instalments. The only important point to be borne in mind in suggesting these instalment system is that it should not conflict with each other. The latter should be a continuation of the earlier one. So that what I consider as the first instalment of reform on the lines of the Wardha Scheme is now receiving the consideration of the Government and they are placing this before the Advisory Committee for their consideration on next Saturday. Now, the main

*Speech not corrected by the Hon'ble Member.

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